

EAST LONDON WASTE AUTHORITY

21 JUNE 2010

EXECUTIVE DIRECTOR'S REPORT

THE CONSTITUTION – CONSEQUENTIAL AMENDMENTS	FOR CONSIDERATION
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1 Purpose

- 1.1 To consider the next steps in updating the Constitution to reflect the outcomes of the Authority's Governance Review.

2 Background

- 2.1 The Governance Review, commenced early in 2009, is now reaching its conclusion. New Member and management structures are being put in place and the Constitution is being revised accordingly.
- 2.2 In September 2009 (Minute 24) Members agreed to receive further reports with a view to amending the constitution for the forthcoming Municipal Year including the future management structure.
- 2.3 At the February 2010 Meeting (Minute 46) Members approved the first stage of revisions to the Constitution in respect of parts A, B, C and G. These parts of the constitution relate mainly to Members, meetings and new officer structures.
- 2.4 The Monitoring Officer and Finance Director have now proposed the format of most of the remaining parts of the Constitution. The remaining parts mainly concern the rules that apply to the Authority's administration.
- 2.5 Appendix A sets out the current structure of the Constitution in its various parts.

3 Further Proposals to update the Constitution

3.1 Parts A, B, C & G

- 3.1.1 It has been necessary to make a few further minor amendments to Parts A, B and G of the Constitution (approved in February) in order that they conform to the remaining parts of the Constitution. Part C (Scheme of Delegation) is also amended because, following the deletion of the previous posts of Technical and Operational Directors, many of the delegations to those officers have been transferred to the Managing Director.
- 3.1.2 The majority of the amendments proposed to Part A, B, C and G are general tidying points and do not change policies or procedures.
- 3.1.3 Members are asked to set aside some time possibly at the following workshop, or perhaps establish a small working group of Members to consider these amendments so that the Authority can consider approving them at the next meeting.

3.2 Parts D, E, F and H

3.2.1 The remaining parts of the Constitution now to be considered are set out below:

- i) Part D – Contract, Financial and other Rules - The opportunity has been taken to bring ELWA's Rules into line with best practice in other Authorities and simplify the previous set of Contract and Financial Standing orders;
- ii) Part E - Codes of Conduct - There is very little change to this Part.
- iii) Part F - Members' Allowances Scheme - The position of the Allowances Scheme has not changed and the final version of the Constitution will repeat the current wording.
- iv) Part H - Review, Revision, Suspension, Interpretation and Publicity - The only suggested amendment to Part H has been to change the period for review of the constitution by the Monitoring Officer from three years to one year, in line with best practice.

3.2.2 Similar to the request in 3.1.3, Members are asked to set aside some time or establish a small working party to consider the proposed changes to Parts D, E, F, & H of the Constitution. The changes to Part D, which covers the Contract and Financial Rules, have been more thoroughly rewritten and will require more explanation than the other parts.

4 **Recommendation**

4.1 Members are recommended to note:-

- i) that further amendments are proposed to Parts A, B, C and G of the Constitution;
- ii) that a new Part D of the Constitution, which includes the Financial and Contract Rules, will be proposed together with amendments to Parts E, F & H.

4.2 Members are asked to set up some appropriate arrangements to consider the remaining officer proposals to bring the current Constitution up to date, so that approval can be considered at the next meeting.

Tony Jarvis
EXECUTIVE DIRECTOR

Appendices		
A	Draft	Contents page from Constitution
Background Papers		
01/02/10	Report and Minute 46/2010	ELWA Constitution - Proposed amendments following the Governance Review